Digitized by the Internet Archive
in 2010 with funding from
Montana State Library

http://www.archive.org/details/montanaoutdoors321969mont

A LIVABLE ENVIRONMENT FOR WILDLIFE IS QUALITY ENVIRONMENT FOR MAN

Montana Outdoors

Volume III—No. 2 MONTANA FISH & GAME DEPARTMENT February, 1969

WE CAN HAVE WINTER FISHING TOO

By JOHN J. GAFFNEY

Another Montana winter is well underway and outdoorsmen have made the adjustments to changed weather and field conditions. Most hunters have hung up their rifles and shotguns, and spend their evenings reminiscing about the past season or planning for next year's hunt. Angling activity also slows down considerably during the winter, even though winter anglers report fairly good success and fishing is permitted on many Montana waters. The hardy anglers can pursue their favorite sport in most areas of the state if they choose to do so.

Montana's long-standing winter fishing seasons are still viewed with mixed emotions by many anglers, especially with regard to streams and rivers. Those who oppose winter seasons contend that the harvest of fish taken during the winter reduces the number of game fish available for the regular season when more anglers are afield. It would seem that removal of even a small number of trout from a given stream would reduce the number available at a later date. If this is true, then perhaps winter seasons are not in the best interests of Montana fishermen. However, before this idea is accepted at face value, let's take a look at some of the information that has been gathered from streams in southwestern Montana.

The future of trout fishing on Montana streams will be determined by the quality of the environment, not by the length of fishing seasons.

Electric shockers have been used for collecting live fish from small Montana streams for about the past 20 years. In recent years, equipment and collecting techniques have been modified for use on larger streams. Fisheries workers can now closely estimate the number of fish present in a section of stream at a given time. This technique has been used to make spring and fall estimates on several streams. One such stream is O'Dell Creek, a tributary to the Madison River, where the fish population has been studied for several years. A 500-foot section was shocked twice a year in order to measure changes in the fish population during the regular fishing season. This part of the creek was near a highway and readily accessible to anglers. Winter fishing was not permitted.

In spite of the fishing pressure exerted on O'Dell Creek during the summer, the study section showed a spring to fall increase in numbers of catchable-sized trout (6" and over) during all three years of study. The normal population growth was greater than both angler harvest and na-

tural losses put together. In other words, fishermen did not take all the fish crop that was produced during the primary growing season. The number of fish present in the spring ranged from 55 to 66, while fall numbers were as high as 97.

One might expect that this "surplus" or unharvested crop of fish would be carried over to the following year, to the delight and benefit of anglers. This was not the case. About one-third of the catchables remaining in the fall were lost by the following spring. Anglers could have harvested some of these fish without influencing the supply for the following year.

Results were similar on another 1¼ mile study section of O'Dell Creek where two year's of information showed 25% more fish present during the fall than during spring. Total weight of all fish also increased during the summers of both years, but the "fall surplus" was again lost during the winter. Again, fishermen could have enjoyed fishing during the winter without affecting fishing the following year.

Large winter mortalities have also been measured on the East Gallatin and Madison rivers. On one section of the East Gallatin, about one-half of the catachable-sized trout present in the fall were lost by the following spring. A study section on the lower Madison showed a 70% loss of catchable-sized trout over a one-year period. Tag returns from anglers accounted for 7% of this turnover. Even if anglers returned only one-quarter of the tags (they probably return at least one-half), the annual angler harvest would have accounted for less than one-half of the total annual mortality. This section of stream has had winter seasons for many years with no adverse effects on summer fishing.

In all of these studies, fish were tagged or marked so the extent of their movements could be determined. In all cases, movement in or out of the study areas was very limited. The missing fish had not moved to another portion of the stream nor to an adjoining stream. Like most wild animals, trout are conceived, grow up and die in a relatively small area.

If fishing especially during the winter does not deplete trout populations, why do trout numbers go downhill over winter in some streams? Why do some streams or stream sections support more trout than others? The reasons are found in stream conditions—not in anglers' creels. A trout, like any other living organism, has certain requirements that must be met if it is to do well and reproduce successfully. An adequate amount of clean, cool water is the most obvious need, but velocity of the water, channel shape and cover or hiding places are also important to the welfare of the trout.

Several projects on Montana streams have shown the relationship between quality of habitat and the well being of trout inhabitants. Two of these were the O'Dell Creek and Madison River studies. Portions of O'Dell Creek have been heavily grazed in the past and much of the woody vegetation along the banks has been destroyed. When this happens, bank erosion accelerates and the stream tends to become wider and shallower. Also, many of the trouts' hiding places are eliminated.

The good sections of O'Dell Creek had woody vegetation on 70% of total bank length while only 15% of the bank was vegetated in the poor section. Average width was about 40% greater in the overgrazed section where stream-bank erosion was greatest. Total numbers of trout were determined for each section, and these figures were converted to numbers of trout per surface acre of water. The good sections averaged about 200 trout per surface acre in the fall of 1967 and again in the fall of 1968. The poor habitat section held only 76 trout in 1967 and 113 in 1968. Poor environmental conditions had limited the fish population in the poorer area to about one-half of what the stream could support had stream banks been kept in better condition.

Fortunately, not all fish populations are declining. Something is being accomplished in certain areas. For example, the upper Madison River has been subjected to lower winter flows during recent years. This leaves much of the bank cover exposed and eliminates most of the cover for small

MONTANA OUTDOORS

Published monthly by the Montana Fish and Game Dept., Mitchell Building, 125 Roberts Street, Helena, Montana 59601. Second-class postage paid at Helena, Montana 59601.

Edited by Vernon Craig

GUN CONTROL 1968

For several years more emphasis on federal gun control measures has been in the offing. Assassinations of public figures during 1968 moulded public opinion into a receptive mood and political proponents of gun controls took advantages of the ripened conditions to press their pet measures.

October 22, President Johnson signed the federal Gun Control Act and it became effective December 16, 1968. Generally speaking, the act prohibits the transfer or sale of firearms in interstate commerce, except between federal licensed dealers. It also places "destructive devices" under strict federal controls. It prohibits, with exceptions, sale of firearms to residents of other states and requires a license to engage in the business of firearms or ammunition manufacture. Handloading for **one's own use** does not require a license.

Following is a digest of essential features of the act which are of interest to most sportsmen:

The Gun Control Act of 1968 **Does Not. . .**

—Prohibit the purchase of ammunition over-the-counter in another state.

—Prevent a person from transporting firearms and ammunition to another state for the purpose of hunting or competition, or attending gun shows. (Sales or other transfers of firearms by or to non-residents at gun shows are prohibited.)

—Require the registration of firearms or firearms owners.

—Include antique firearms or muzzle-loading cannon.

—Require a manufacturer's license for the handloading of ammunition **for one's own use.**

—Prohibit the loan or rental of a firearm to a non-resident for temporary use for lawful sporting purposes.

—Prohibit the sale or delivery of a rifle or shotgun to a person

trout. Consequently, mortalities were very high on the 4-8 inch fish. A plan to improve winter flows from Hebgen Dam was developed and was put into practice by the Montana Power Company in the winter of 1967-68. The trout population in the Varney section was 6,600 in the fall of 1968 compared to 3,800 the previous fall. One year of improved flow conditions almost doubled the number of trout. Another section on the Madison River below Ennis Lake had a 55% increase in trout during this same one-year period. The increases of trout numbers in these two sections, demonstrated how rapidly trout will respond to improved environmental conditions just as the O'Dell Creek study showed the effects of deteriorating habitat.

The future of trout fishing on streams in Montana will be determined by the kind of environment that is provided for trout. If proper conditions are maintained for these animals, they will produce annual crops that can be fished for. The cropping done by anglers is not of great concern. Instead attention should be focused on laws and land use practices that will insure good living conditions for trout in Montana's streams and rivers.

---

who is participating in organized rifle or shotgun competition, or engaged in hunting, and whose rifle has been lost, stolen or inoperative. (The buyer must submit to the seller a sworn statement that firearm was lost or stolen or inoperative, and identifying chief local law enforcement officer of residence of buyer.)

—Prohibit the sale or delivery of a rifle or shotgun to a resident of a contiguous state, provided states having enabling legislation. A sworn statement, notification to the chief local law enforcement officer of the buyer's place of residence and a seven-day waiting period are required prior to receipt by or delivery to buyer.

—Include shotgun shot or unprimed shot cases in the definition of ammunition.

—Prohibit the importation of sporting firearms from foreign countries. (A permit is required from the Secretary of the Treasury.)

—Prohibit the shipment by non-licensees of firearms to a licensed manufacturer, importer or dealer for "repair or customizing" and the return of such firearm **of the same kind and type** to the sender.

—Prohibit the transportation, shipment or receipt of ammunition-loading equipment.

—Prohibit the interstate transportation of newly-inherited firearms.

—Apply to air or CO_2 shoulder arms or handguns.

Scope

The Act consists of three titles: Title I regulates the transportation, shipment or receipt of firearms and ammunition in interstate and foreign commerce; Title II places destructive devices under the tax and registration provisions of the National Firearms Act (often called the machine gun law); Title III makes certain amendments to Title VII (possession of firearms by certain persons) of the Omnibus Crime Control and Safe Streets Act of 1968.

Administration and Enforcement

Alcohol and Tobacco Tax Division, Internal Revenue Service, United States Treasury Department.

TITLE I

Definitions

Firearm means any weapon (including a starter gun) expelling a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or silencer; or any destructive device.

Ammunition means all small-arms ammunition and components thereof.

Antique firearm means any firearm made in or before 1898, or any replica thereof, if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or uses rimfire or centerfire fixed ammunition no longer manufactured in the United States and not readily available in the ordinary channels of commercial trade.

Destructive device means a bomb, grenade, missile (charge of more than a quarter ounce), rocket (more than four ounces propellant), mine and weapon having a barrel with a bore of one-half inch or more, except a shotgun, or rifle used for sporting purposes or an antique.

License Fees

Manufacturers: (1) destructive devices and ammunition for such devices, $1,000; (2) firearms, $50; (3) firearms ammunition, $10.

Importers: (1) destructive devices and ammunition for such devices, $1,000; (2) firearms and firearms ammunition, $50.

Dealers: (1) destructive devices and ammunition for such devices, $1,000 (2) firearms and firearms ammunition, $10.

Collectors: firearms or ammunition as curios or relics, $10.

Pawnbrokers: firearms and ammunition, $25.

Issuance of a License

A person must be at least 21 years of age to obtain a license. Application is made to the Secretary of the Treasury, who must approve or deny an application within a 45-day period.

Shipment or Transportation in Interstate or Foreign Commerce

No licensee may ship or transport any firearm or ammunition in commerce to any person, other than a federal licensee. Exceptions are: (1) return of repaired or replacement firearm by a licensee to a non-licensee; (2) mailing of a firearm by a licensee to a person authorized under the postal laws and regulations.

No person may transport into or receive in the state where he resides any firearm purchased or otherwise acquired outside the state. Exceptions are: (1) acqusition in another state of a firearm by inheritance; (2) transportation or receipt of a rifle or shotgun acquired by a person from a licensee in a contiguous state under a sworn statement procedure; (3) transportation of any firearm acquired in any state prior to the effective date of this act.

Transfer to Non-Residents

No person (except a licensee) may transfer, sell, trade, give, transport or deliver any firearm to a non-resident (except a licensee). Exceptions are: (1) transfer, transportation or delivery to, or acquisition by, a person, in case of inheritance, authorized to acquire or possess in his state of residence; (2) loan or rental for temporary use for lawful sporting purposes.

A licensee (1) may lend or rent a firearm to a person for temporary use for lawful sporting purposes; and (2) may sell or deliver a rifle or shotgun to a person who is participating in organized rifle or shotgun competition, or engaged in hunting, and whose rifle

or shotgun has been lost or stolen or becomes inoperative. (Buyer must submit sworn statement to seller in latter case.)

Over-the-Counter Sales

No licensee may sell or deliver (1) any rifle or shotgun, or rifle or shotgun ammunition, to a person under 18; (2) any handgun or handgun ammunition to a person under 21.

Contiguous States

A licensee may sell or deliver a firearm to a person resident in a contiguous state if (1) the purchaser's state of residence permits such sale or delivery by law; (2) the sale fully complies with the legal conditions of sale in both contiguous states; (3) the purchaser and licensee have complied with the sworn-statement procedure required for intrastate sales (see Intrastate Sales).

Two bills have been introduced to provide enabling legislation that would allow Montanans to purchase rifles or shotguns in contiguous states, or to allow residents of contiguous states to purchase these firearms in Montana. The bills are House Bill 336, introduced by Spilde and others, and Senate Bill 223 introduced by Northey and others.

Intrastate Sales

A licensee may sell a firearm to a person who resides in the same state as the licensee but who does not personally appear at the licensee's place of business with conditions.

Common or Contract Carriers

No carrier may transport in commerce any firearm or ammunition with reasonable cause to believe that such transportation is in violation of this Act.

No person may deliver to any carrier for transportation in commerce any firearm or ammunition without written notice to the carrier.

Exceptions to Act

The provisions of the Act do not apply to: (1) transportation, shipment, receipt or importation of any firearm or ammunition for the use of any federal, state or local governmental agency; (2) transportation, shipment or receipt of any firearm or ammunition intended for personal use by members of the Armed Forces on active duty outside the United States or by clubs recognized by the Department of Defense whose entire membership is composed of such members; (3) transportation, shipment, receipt or importation into the United States to the place of residence of any member of the Armed Forces on active duty outside the country of any firearm or ammunition recognized as suitable for sporting purposes, or determined by the Department of Defense to be a war souvenir, and intended for personal use; (4) transportation, shipment, receipt or importation into the United States to the place of residence of any member of the Armed Forces who has been on active duty outside the country within the 60-day period immediately prior to such transportation, shipment, receipt or importation.

Shipment or Transportation by Certain Persons

The following persons may not ship or transport, or receive, firearms or ammunition in interstate or foreign commerce: fugitive from justice, unlawful user of narcotics or drugs, adjudicated or committed mental defective, person under indictment or convicted of a crime punishable by imprisonment for more than one year.

Title VII of the Crime Control and Safe Streets Act prohibits the receipt, possession or transportation of a firearm in interstate or foreign commerce by convicted felons, dishonorably discharged veterans, adjudicated incompetents, aliens illegally in the United States and former citizens who have renounced their citizenship.

MONTANA
FISH AND GAME DEPARTMENT

HELENA, MONTANA 59601

Return Postage Guaranteed

MONTANA OUTDOORS

Published monthly by the Montana Fish and Game Dept., Mitchell Building, 125 Roberts St., Helena, Montana 59601

Second class postage rates paid at Helena, Montana 59601

FEBRUARY, 1969